Remarks

By the foregoing Amendment, claims 1, 4, 14 and 15 are amended. No new matter is added by this Amendment. Entry of the Amendment, and favorable consideration thereof, is earnestly requested.

The Examiner has objected to the Applicant's previous amendment in the specification under 35 U.S.C. 132(a). In this regard the Examiner has indicated that the amendment in paragraph [0050] of the specification introduces new matter into the disclosure of the invention. Applicant believes that the previous amendment of Applicant does not introduce any new matter because in the specification a grinding surface comprising diamond abrasive particles or hard metal abrasive particles is sufficiently disclosed in the originally filed specification. See, for example, paragraphs [0026] and [0049]. However, in order to simply facilitate a prompt examination of the case, the term "suitable" has been deleted by the foregoing Amendment from paragraph [0050]. Accordingly, Applicant submits that the specification is in condition satisfying the requirement under 35 U.S.C. 132(a).

The Examiner has rejected claims 1, 3, 8, 10-12 and 14-17 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In this regard, the Examiner has noted that the term "generally triangular" in the claims is new matter without having support for this limitation in the originally filed specification. Applicant respectfully disagree, and submits that "a generally triangular cross-section" as recited in the claims is clearly disclosed by FIGS. 2-4 and accompanied descriptions thereof sufficiently describing the generally triangular cross sectional configuration of the clamping part 22 with the angle alpha indicating the angle defined by the triangular guiding surface with respect to the base surface for guiding a work piece to be ground to the specific grinding angle by the working tool. For example, see paragraphs [0009], [0012], [0016]-[0022], [0039], and [0043]-[0048] which illustrate various triangular

configurations of the clamping part of the invention. Accordingly, reconsideration of the rejection is earnestly solicited.

The Examiner has rejected claims 1, 3, 5-7 and 10-17 under 35 U.S.C. §103(a) as obvious over Pollak (US Pat. Appl. Publication 2002/0069727 A1). Applicant notes that the Examiner had previously acknowledged that the previous rejection under similar grounds, specifically, in connection with the use of De Angelis et al. (US Pat. No. 2,949,709) for rejecting the claims has been overcome by the previous amendment of Applicant dated May 9, 2005.

Applicant respectfully submits that claims 1, 3, 5-7 and 10-17, as amended by the foregoing Amendment, are patentably distinct over Pollak at least for the reasons discussed herein below.

As specifically recited in independent claims 1 and 14-15 as amended, each of claims 1, 3, 5-7 and 10-17 as amended is directed to a hand-held grinding tool and particularly requires, among other limitations, (i) that the clamping part has a generally triangular cross section comprising an outer surface which serves as a guide surface for supporting a surface of the work piece to define a predetermined or preset angle between the surface of the work piece and the grinding surface of the working part when guiding for sharpening the work piece, and (ii) that the predetermined (or preset) angle between the surface of the work piece and the grinding surface is between 10° and 40°.

Pollak (US 2002/0069727 A1) discloses a holder for mounting a tool to a drive shaft.

However, Pollak fails to disclose or suggest that the clamping part has a generally triangular cross-section as required by claims 1, 3, 5-7 and 10-17 as discussed above. Contrary to the present invention, the mounting or clamping part 34

of Pollak has a rectangular cross-section as shown in FIGS. 1 and 8. Moreover, Pollak does not include any disclosure or teachings, either explicitly or implicitly, that any outer surface of the mounting part 34 can be served as a guide surface for supporting a surface of the work piece to a predetermined angle for grinding the work piece.

The Examiner has acknowledged that Pollak is silent as to the shape of the clamping part 34 being generally triangular and as to the specific angle size. However, the Examiner alleges that it would be "an obvious matter of design choice" to make the different portions of the clamping part of whatever form or shape that was desired or expedient, and further alleges that a change in form or shape is generally recognized as being within the level of ordinary skill in the art absent any showing of "unexpected results".

Applicant respectfully disagrees for the reasons discussed below. As discussed above, Pollak does not suggest any different shapes of the clamping part for clamping the work tool 24 other than the rectangular shape, and thus it clearly fails to recognize or teach the novel aspect of the invention that utilizes the triangular clamping part of the invention with its triangular outer surface using as a guide surface for grinding the working piece with a grinding tool. This is a clear evidence that neither the novel structural aspect of the claimed invention (i.e., having a generally triangular cross-section in the clamping part) nor the result of the invention (i.e., using as a guide surface) is recognized or expected by Pollak. Applicant further notes that, because the triangular configuration of the outer surface of the clamping part provides a specific and unexpected function of guiding the work piece with respect to the grinding tool, this novel aspect of the invention cannot be an obvious matter of design choice which can be easily selected from obvious design choices by one of ordinary skill in the art.

Moreover, Pollak as matter of fact teaches away from the invention as claimed. As shown in Fig. 1 of Pollak, the rectangular clamping part 34 is affixed to the base element 32 by bolts 36 having exposed round heads thereof. These protruding heads of the bolts 36 prevent the outer surface of the clamping part 34 from using as a guide

surface for supporting the work piece for the grinding. To the contrary, as shown in FIG. 2 and also claimed in claim 13, the invention utilizes the triangular outer surface of the clamping part for guiding the work piece with the clamping screws received in the sunk-in recesses. Therefore, because Pollak teaches away from using the horizontal outer surface as a guide surface for grinding, there is no motivation to modify the Pollak teaching to reach the invention as claimed.

Furthermore, as also discussed above, claims 1, 3, 5-7 and 10-17 of the invention further requires that the predetermined or preset angle between the surface of the work piece and the grinding surface is between 10° and 40°. As acknowledged by the Examiner, Pollak further fails to disclose, recognize or teach this important limitation of the claims.

Accordingly, in view of the foregoing, Applicant respectfully submits that claims 1, 3, 5-7 and 10-17 are patentably distinct over Pollak.

The Examiner has further rejected claims 8 and 9 under 35 U.S.C. §103(a) as obvious over Pollak (US Pat. Appl. Publication 2002/0069727 A1) as applied to claim 1 discussed above, and further in view of De Angelis et al. (US Pat. No. 2,949,709).

As discussed above, Pollak fails to disclose or teach, among other limitations of the claimed invention, that the clamping part has a generally triangular cross section comprising an outer surface which serves as a guide surface for supporting a surface of the work piece to define a predetermined or preset angle between the surface of the work piece and the grinding surface of the working part when guiding for sharpening the work piece, and that the predetermined (or preset) angle between the surface of the work piece and the grinding surface is between 10° and 40°. Claims 8 and 9 are dependent from claim 1 and further respectively require other limitations except those discussed above. Thus, Applicant respectfully submits that claims 8 and 9 are

patentable at least for the same reason that claim 1 as amended is patentable as discussed above.

De Angelis et al. (US Pat. No. 2,949,709) discloses a grinding tool that is driven rotatingly about its longitudinal axis and comprises guide surfaces 56 allowing to position a work piece on top of the knife sharpener attachment for a grinding.

However, similar to Pollak, De Angelis et al. also fail to disclose or teach the above specified limitations of the claims.

Accordingly, in view of the foregoing, claims 8 and 9 are patentable over the combination of Pollak and De Angelis et al.

As discussed above, Pollak, either alone or in combination with De Angelis et al., fail to disclose or teach each and every element of the invention as claimed in claims 1, 3, 5-7 and 8-17. For example, the above-specified elements of the claims are not disclosed or taught by any of Pollak and De Angelis et al.

Moreover, a person skilled in the art trying to combine the teachings of Pollak and De Angelis et al. would not be able to readily design the grinding tool according to claims 1 or 15, or the holder according to claim 14, since the function of the grinding tool according to the invention is completely different from De Angelis et al. De Angelis et al. provides a surface 56 against which a work piece to be sharpened can be held and then ground by the honing zone 38 which is rotated about its axis.

By contrast, according to the present invention, the grinding tool carries a grinding surface which extends from the holder to the outside protruding beyond the holder. Thus, the grinding tool allows to freely guide the grinding tool along a surface of a work piece, such as a knife, an axe, or the like.

Accordingly, Applicant respectfully submits that claims 1, 3, 5-7 and 8-17 as amended are patentably distinct over the cited references of record.

Finally, the Examiner has also rejected claims 2 and 4 under 35 U.S.C. §103(a) as obvious over Pollak (US Pat. Appl. Publication 2002/0069727 A1) as applied to claim 1 discussed above, and further in view of Pecze et al. (US Pat. No. 3,651,715). In connection with this rejection, Applicant respectfully notes that independent claim 4 was previously acknowledged by the Examiner to be allowable when amended into an independent form including all of the limitations of the base claim 1.

Claims 2 and 4 as amended are directed to a hand-held grinding tool, and particularly require, among other limitations, (a) that the clamping part comprises an outer surface which serves as a guide surface for supporting a surface of the work piece to define a predetermined angle between the surface of the work piece and the grinding surface of the working part when guiding for sharpening the work piece, and (b) that the hand-held grinding tool comprises a plurality of different clamping parts designed for different predetermined angles and being exchangeable so as to allow a setting of the predetermined angle.

As discussed above, Pollak (US 2002/0069727 A1) fails to disclose or suggest that the clamping part of the hand-held grinding tool comprises an outer surface which serves as a guide surface for supporting a surface of the work piece to a predetermined angle for grinding the work piece. As also discussed above, having the rectangular outer surface of the clamping part 34, with the protruding bolts 36 attached thereto, Pollak teaches away from the invention as claimed.

Moreover, as acknowledged by the Examiner, Pollak fails to disclose or suggest that the hand-held grinding tool comprises a plurality of different clamping parts designed for different predetermined angles and being exchangeable so as to allow a setting of the predetermined angle.

On the other hand, Pecze et al. (US Pat. No. 3,651,715) is directed to a table type sawing machine comprising a variety of components with complicated structure. Thus, Pecze et al. fail to disclose the hand-held grinding tool required by the invention as claimed. Applicant submits that, by the foregoing Amendmenmt, claims 2 and 4 are amended to be particularly limited to a hand-held grinding tool.

Furthermore, contrary to the Examiner's allegation, nowhere in the Pecze et al. disclosure suggests that the sawing machine comprises a plurality of different clamping parts designed for different predetermined angles and being exchangeable so as to allow a setting of the predetermined angle. Pecze et al. disclose, at Column 2, lines 51-63, detents 9 (FIGS. 4 and 5) working as a shape complementary to the shape of the saw teeth. However, detents 9 are for guiding an increment of workpiece movement as measured parallel to the axis of the grinding wheel, that is to say, parallel to the direction of workpiece movement (see column 2, lines 52-58). Thus, detents 9 are not the plurality of different clamping parts, which individually function for clamping the working tool and at the same time the outer surface of which serving as a guide surface for the work piece, and that are designed for different predetermined angles and being exchangeable so as to allow a setting of the predetermined angle, as particularly required by the invention as claimed in claims 2 and 4. Therefore, Pecze et al. further fail to disclose or suggest this required element of the claimed invention.

Accordingly, Applicant respectfully submits that claims 2 and 4 are patentably distinct over the cited references of record.

Accordingly, in view of the forgoing remarks and amendments, Applicant respectfully submits that all of the pending claims (i.e., claims 1-17) as amended are in condition for allowance. Favorable reconsideration and early notice to that effect is respectfully requested.

Respectfully submitted,

March 1, 2006

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